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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

LUDMILA GULKAROV, JANINE  
 TORRENCE, KELLY MCKEON, and JOSH  
 CRAWFORD, Individually and on Behalf of  
 All Others Similarly Situated,

Plaintiffs,

v.

PLUM, PBC, and PLUM, INC., Delaware  
 corporations,

Defendants.

) Case No. 21-cv-00913-YGR

) **STIPULATION AND [PROPOSED]**  
 ) **ORDER TO CONSOLIDATE**  
 ) **ACTIONS UNDER FED. R. CIV. P.**  
 ) **42(a)**

CINDY PEREIRA, on behalf of herself and a  
 class of others similarly situated,

Plaintiffs,

v.

CAMPBELL SOUP COMPANY, and  
 PLUM, PBC,

Defendants.

) Case No. 21-cv-1767-DMR

1 VANESSA MATHIESEN, Individually )  
 2 and on Behalf of All Others Similarly ) Case No. 21-cv-01763-KAW  
 3 Situated, )  
 4 Plaintiffs, )  
 5 v. )  
 6 PLUM, PBC, )  
 7 Defendants. )

8 \_\_\_\_\_ )  
 9 AUTUMN ELLISON, Individually and ) Case No. 21-cv-02015-DMR  
 10 on Behalf of All Others Similarly )  
 11 Situated, )  
 12 Plaintiffs, )  
 13 v. )  
 14 PLUM, PBC, and PLUM, INC., )  
 15 Defendants. )

16  
 17 WHEREAS, the above-captioned related proposed consumer class actions are pending  
 18 before the United States District Court for the Northern District of California, entitled: *Gulkarov*,  
 19 *et al. v. Plum, PBC, et al.*, Case No. 21-cv-00913-YGR (“*Gulkarov*”), filed February 5, 2021;  
 20 *Pereira v. Campbell Soup Company, et al.*, Case No. 21-cv-01767-DMR (“*Pereira*”), filed  
 21 February 12, 2021; *Mathiesen v. Plum, PBC*, Case No. 21-cv-01763-KAW (“*Mathiesen*”) filed  
 22 March 12, 2021 and *Ellison v. Plum, PBC, et al.*, Case No. 21-cv-02015-DMR (“*Ellison*”), filed  
 23 March 23, 2021 (together the “Related Actions”) and collectively all plaintiffs are referred to  
 24 herein as “Plaintiffs.”)

25  
 26 WHEREAS, Plaintiffs assert the Related Actions arise out of the same set of operative facts  
 27 and assert similar legal claims against Defendant Plum, PBC (“Plum” or “Defendant”), alleging

1 that Plum has engaged in deceptive trade practices with respect to the marketing and sale of its  
2 baby food products (the “Baby Foods”) by failing to disclose that they contain levels of toxic heavy  
3 metals, including arsenic, lead, cadmium, and mercury (the “Heavy Metals”);

4 WHEREAS, Plaintiffs assert that each Related Action seeks, *inter alia*, injunctive relief  
5 barring Defendant from continuing the deceptive practices it is accused of, as well as monetary  
6 damages compensating Plaintiffs and other consumers for the purchase of the Baby Foods;

7 WHEREAS, Plaintiffs in each Related Action agree that consolidation of the Related  
8 Actions under Fed. R. Civ. P. 42(a) is appropriate because Plaintiffs contend they involve common  
9 questions of law and fact, arise from the same events, name the same Defendant, and will involve  
10 substantially the same discovery;

11 WHEREAS, consolidation under Rule 42(a) will eliminate duplicative discovery and the  
12 possibility of inconsistent rulings on class certification, *Daubert* motions, and other pretrial  
13 matters, and conserve judicial and party resources;

14 NOW THEREFORE, the Plaintiffs through their respective counsel and subject to the  
15 Court’s approval hereby stipulate that:

16 1. The *Gulkarov*, *Pereira*, *Mathiesen* and *Ellison* actions currently pending in the  
17 Northern District of California and any other action arising out of the same or similar operative  
18 facts now pending or hereafter filed in, removed to, or transferred to this District shall be  
19 consolidated pursuant to Fed. R. Civ. P. 42(a) before the Honorable Yvonne Gonzalez Rogers  
20 (hereafter the “Consolidated Action”).

21 2. All papers filed in the Consolidated Action shall be filed under Case No. 21-cv-  
22 00913-YGR and shall bear the following caption:

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

IN RE PLUM BABY FOOD LITIGATION ) Master File 21-cv-00913-YGR

This Document Relates to: )

3. The case file for the Consolidated Action will be maintained under Master File No. 21-cv-00913-YGR. When a pleading is intended to apply to all actions to which this Order applies, the words "All Actions" shall appear immediately after the words "This Document Relates To:" in the caption described above. When a pleading is not intended to apply to all actions, the docket number for each individual action to which the paper is intended to apply and the last name of the first-named plaintiff in said action shall appear immediately after the words "This Document Relates To:" in the caption identified above, for example, "21-cv-1767, Pereira."

4. Any action subsequently filed, transferred or removed to this Court that the Court determines arises out of the same or similar operative facts as the Consolidated Action will be, with the Court's approval, consolidated with the Consolidated Action for pre-trial purposes. Any party may file a Notice of Related Action pursuant to N.D. Calif. Local Rule 3.12 whenever a party believes a case that should be consolidated into this action is filed in, or transferred to, this District. If the Court determines that the case is related and should be consolidated, the clerk shall:

- a. place a copy of this Order in the separate file for such action;
- b. serve on Plaintiffs' counsel in the new case a copy of this Order;
- c. direct that this Order be served upon defendants in the new case; and
- d. make the appropriate entry in the Master Docket.

1           5.       A Consolidated Complaint shall be filed thirty (30) days after a leadership structure  
2 is appointed in the case. The parties shall confer on a leadership structure within thirty (30) days  
3 and file any stipulation or motion within forty-five (45) days after entry of the Order consolidating  
4 all actions.

5                   **IT IS SO STIPULATED**

6  
7  
8 Dated: April 6, 2021

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14 Dated: April 6, 2021

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**Certification of Compliance with N.D. Cal. L.R. 5-1(i)(3)**

I hereby certify that pursuant to N.D. Cal. L.R. 5-1(i)(3), I have obtained the authorization from the above signatories to file the above-referenced document, and that the above signatories concur in the filing's content.

By: s/ Rebecca A. Peterson

**[PROPOSED] ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Hon. Yvonne Gonzalez Rogers  
U.S. DISTRICT COURT JUDGE